

Appl. No. 10/027,751
Resp./Amdmt. dated Dec. 2, 2004
Reply to Office Action of 09/15/2004

REMARKS/ARGUMENTS

There are no amendments to the specification, claims or drawings herein.

In the Claims, Claims 1-32 are pending. Claims 1-3, 16, 21-22, 27 and 29 were rejected and Claims 4-15, 17-20, 23-26, 28 and 30-32 were objected to. Reconsideration is respectfully requested.

The Examiner rejected Claims 1-3, 16, 21-22, 27 and 29 under 35 U.S.C. 102(b) as being anticipated by Bonta et al., U.S. Pat. No. 5,245,347 (hereinafter 'Bonta et al.'). The rejection of Claims 1-3, 16, 21-22, 27 and 29 under 102(b) in view of Bonta et al. constitute the new grounds for rejection.

Applicant traverses the rejection of Claim 1-3, 16, 21-22, 27 and 29 on the grounds that the Examiner failed to establish a *prima facie* case of anticipation with respect to Bonta et al. In particular, Applicant submits that Bonta et al. do not disclose, explicitly or implicitly, "each element of the claim under consideration" (*W.L. Gore & Associates v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983)) and/or do not disclose the claimed elements "arranged as in the claim" (*Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)), as required by the Federal Circuit for *prima facie* anticipation under 35 USC 102.

In particular regarding Claim 1, the Examiner contended Bonta et al. "teaches a method of extending dynamic range of a test, system that has a receiver channel comprising: compensating for an effect that compression of the receiver channel has on as [sic] magnitude response and a phase response of the receiver channel". In support of the contention, the Examiner cited Col. 48, lines 36-39.

Contrary to that contended by the Examiner, Bonta et al. do not disclose or even suggest that claimed by Applicant in Claim 1. Instead, Bonta et al. generally disclose an all weather tactical strike system and method of operation "made up of an improved synthetic aperture radar (SAR) for generating radar maps with various degrees of resolution required for navigation of an aircraft and detection of ground targets in the presence of electronic countermeasures and clutter" (Abstract, lines 1-6, Bonta et al.). In particular, at Col. 48, lines 36-39, relied upon by the Examiner, Bonta et al. disclose, "motion compensated data samples are pulse compressed and

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processed by means of a fast Fourier transform (FFT) algorithm ultimately to form range-Doppler data arrays”.

In contrast, Applicant's Claim 1 recites a “method of extending dynamic range of a test system comprising: compensating for an effect that compression of the receiver channel has on a magnitude response and a phase response of the receiver channel”. Applicant respectfully finds no similarity between that disclosed by Bonta et al. and that recited in Applicant's Claim 1. In particular, neither at Col. 48, lines 36-39, nor anywhere else therein for that matter, do Bonta et al. disclose or suggest “compensating for an effect that compression of the receiver channel has on a magnitude response and a phase response of the receiver channel”, as recited in Applicant's Claim 1. Moreover, Bonta et al. do not disclose or suggest a method of extending dynamic range of a test system but instead discloses a Doppler radar system.

In fact, Bonta et al. never mentions or alludes to compression of a receiver channel or an effect of compression on a receiver channel. In the absence of a disclosure regarding receiver channel compression and the effects thereof, Bonta et al. respectfully cannot disclose that recited in Applicant's Claim 1.

Furthermore, Bonta et al. fail to disclose “compensating for an effect that compression of the receiver channel has on a magnitude response and a phase response of the receiver channel”, as recited in Applicant's Claim 1. In particular, Bonta et al. disclose compensating for vibration, motion and radome-induced errors (see for example, Abstract, lines 12-14; Figs 7A, 7B, and 7C; Col. 13, lines 51-57; Col. 17, lines 12-22; Col. 23, line 50 to Col. 29, line 33, Bonta et al.). However, such instances of compensating are clearly not related to “compensating for an effect that compression” has on a receiver channel, as claimed by Applicant. Thus, Bonta et al. do not and cannot disclose or even suggest each element of Applicant's Claim 1, contrary to the Examiner's contention.

Regarding Claim 16, the Examiner relied on reference numeral 18 in Figure 1 of Bonta et al. with respect to “characterizing a reference receiver channel ...” of Claim 16 to contend anticipation. Contrary to the Examiner's contention, Bonta et al. do not disclose or even suggest that claimed by Applicant. In particular, Bonta et al. disclose a radio frequency (RF) receiver of a synthetic aperture pulse Doppler radar system.

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Similarly, Ref. No. 20 in Figure 1 of Bonta et al., relied upon by the Examiner to contend anticipation of "characterizing a second receiver channel ..." of Claim 16, actually refers to an intermediate frequency (IF) receiver of the radar system.

Neither the RF receiver nor the IF receiver disclosed by Bonta et al. has any relevance to that recited in Applicant's Claim 16. In particular, neither the RF receiver 18 nor the discussion related thereto in Bonta et al. in any way discloses or even suggests "characterizing a reference receiver channel of the test system for a reference magnitude compression response and a reference phase compression response", as recited in Applicant's Claim 16, contrary to that contended by the Examiner. Likewise, neither the IF receiver 20 nor the discussion related thereto in Bonta et al. in any way discloses or even suggests "characterizing a second receiver channel of the test system for a second magnitude compression response and a second phase compression response", as recited in Applicant's Claim 16, contrary to the Examiner's contention.

Col. 48, lines 36-39, of Bonta et al., relied upon by the Examiner to further contend anticipation of Applicant's Claim 16, have already been discussed hereinabove with respect to Claim 1. In particular, neither in the referenced section nor anywhere else therein do Bonta et al. disclose or suggest, "compensating for an effect that compression of one or both of the reference channel and the second channel has on measured magnitude data and measured phase data", as further recited in Applicant's Claim 16. As such, Bonta et al. respectfully do not disclose each element of Applicant's Claim 16, contrary to the Examiner's contention.

Regarding Claim 27, the Examiner relied on Col. 40, lines 50-55, of Bonta et al. to contend anticipation of "a computer program ... that compensate for an effect on the generated data caused by the receiver channel being compressed", as recited in Applicant's Claim 27. However, Bonta et al. fail to disclose or even suggest that claimed by Applicant in Claim 27, contrary to that contended by the Examiner. In particular, at Col. 40, lines 50-55, relied upon by the Examiner, Bonta et al. disclose, "[t]hus, programming the ECL logic from the exposed register module 395 requires no processing time overhead specifically for output operations. That is to say, as soon as a control word is calculated in the microcomputer 375, control of the ECL logic within the timing and control unit 377 (FIG. 9A) takes effect ...". Applicant

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respectfully submits that Bonta et al. do not disclose or even suggest in the above-referenced passage, "a computer program stored in memory, the computer program being executed by the controller, the computer program implementing instructions that compensate for an effect on the generated data caused by the receiver channel being compressed", as recited in Applicant's Claim 27, contrary to the Examiner's contention. In fact, Applicant respectfully is at a loss to see the relevance of the above-referenced section of Bonta et al. to the present examination.

Furthermore, nowhere else in the teaching of Bonta et al. is there disclosed anything remotely similar to that recited in Applicant's Claim 27. Hence, for at least this reason, Bonta et al. respectfully do not disclose each element of Applicant's Claim 27, contrary to the Examiner's contention.

Therefore, Applicant respectfully submits that the Examiner failed to establish a *prima facie* case of anticipation of Claims 1, 16 and 27 with respect to Bonta et al. In particular, the Examiner failed to show that there is "no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention" as required by the Federal Circuit. *Scripps Clinic & Research Found. V. Genentech Inc.*, 927 F.2d 1565, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991). It is respectfully submitted that the rejection of Claims 1, 16 and 27 under 35 U.S.C. 102(b) is unsupported by facts in evidence and must be withdrawn for at least the reasons set forth hereinabove.

Claims 2-3 are dependent from and include all of the limitations of independent Claim 1. Claims 21-22 ultimately are dependent from and include all of the limitations of independent Claim 16 and Claim 29 is dependent from and includes all of the limitations of independent Claim 27. Having failed to establish a *prima facie* case of anticipation of Claims 1, 16 and 27, the Examiner has similarly failed to establish *prima facie* anticipation of Claims 2-3, 21-22 and 29 with respect to Bonta et al. Therefore, the rejection of Claims 2-3, 21-22 and 29 under 35 U.S.C. 102(b) also is unsupported by facts in evidence and must be withdrawn for at least the reasons set forth hereinabove.

Applicant appreciates the Examiner's recognition of the allowability of Claims 4-15, 17-20, 23-26, 28 and 30-32, if rewritten in independent form. However, in view of Applicant's arguments hereinabove with respect to the rejections of base Claims 1,

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16 and 27, Applicant respectfully declines to amend Claims 4-15, 17-20, 23-26, 28 and 30-32 at this time. Reconsideration is respectfully requested.

Applicant further appreciates the Examiner's withdrawal of all of the rejections and objections of the Final Office Action mailed 12/04/03 in response to Applicant's Brief on Appeal filed May 28, 2004.

In summary, Claims 1-32 are pending. Claims 1-3, 16, 21-22, 27 and 29 were rejected and Claims 4-15, 17-20, 23-26, 28 and 30-32 were objected to by the Examiner. For the reasons detailed above, Claims 1-32 are in condition for allowance. It is respectfully requested that Claims 1-32 be allowed, and that the application be passed to issue at an early date.

Should the Examiner have any questions regarding the above, the Examiner is urged to contact the undersigned by telephone at the number given below or John L. Imperato, Attorney for Applicant, Registration No. 40,026 at Agilent Technologies, Inc., telephone number (650) 485-5511.

Respectfully submitted,
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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.


J. Michael Johnson

12/2/04
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